
(2008) 10 AHC CK 0065
In the Allahabad High Court
Case No : Special Appeal No.607 of 2006 (S/B)

State of U.P.and Others

APPELLANT

Vs

Sri Rajendra Nath Pandey

RESPONDENT

Date of Decision : 14-10-2008

Acts Referred:

Citation : (2008) 10 AHC CK 0065

Hon'ble Judges : U.K.Dhaon, J and Satish Chandra, J

Final Decision : Dismissed

Judgement

1. Heard Sri H.P. Srivastava, learned Additional Chief Standing Counsel for the appellants and Sri Mohd. Ali, learned counsel for the respondent.

2. The instant Special Appeal arises against the judgment and order dated 26th April, 2006 passed by the Hon''ble Single Judge by which the writ petition preferred by respondent was allowed and a writ in nature of mandamus has been issued directing the respondents to pay pension, gratuity and other retiral benefits to the petitioner on the basis of his initial appointment in the service with effect from 1st May, 1979.

3. Learned Additional Chief Standing Counsel appearing on behalf of the appellant submits that the respondent has rendered only seven months 26 days'' regular service in the department and as such he is not entitled for pensionary benefits as he has not completed the requisite ten years of service.

4. Learned counsel for the respondent submits that the petitioner was initially appointed on the post of tubewell operator on 1.5.1979 and although the respondent was regularized by the order dated 17th May, 2002 with effect from 6.12.2001, his past services cannot be ignored for the purposes of pensionary benefits. Learned counsel for the respondent has relied upon a decision of the Hon''ble Supreme Court reported in 1994 Supp. (1) Supreme Court Cases 56, Raj Bhushan Gandhi v. Secretary, Haryana State Electricity Board and another.

5. We have considered the submissions of the learned counsel for the parties and have gone through the record.

6. It is not in dispute that the services of respondent were regularized with effect from 6.12.2001 vide order dated 17th May, 2002. It is also admitted case of the parties that the respondent was initially engaged on 1.5.1979 on the post of Tubewell operators in Social Forest Department, Pratapgarh. The apprehension of the appellants is that on the basis of the impugned judgment and order, the respondent shall also claim seniority over others, who were not party in the writ petition. The apprehension is without any basis as there is no direction by the Hon"ble Single Judge for providing any seniority to the respondent on the basis of the impugned judgment and order dated 26th April, 2006. The Hon"ble Single Judge has only directed the appellants to pay pension, gratuity and other retiral benefits to the petitioner.

7. We are of the view that there is no illegality or infirmity in the impugned judgment and order passed by the Hon"ble Single Judge.

8. The appeal is devoid of merits and it is, accordingly, dismissed.

(Petition dismissed)